

REMARKS

Reconsideration of this application and the rejections of claims 1-28 are respectfully requested. Applicant has attempted to address every ground for rejection in the Office Action dated December 23, 2009 (Paper No. 20091218) and believes the application is now in condition for allowance. The specification and the claims have been amended to better describe the invention.

Claims 3-15, 17-21 and 24-26 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form. Further, claim 16 would be allowable if rewritten to overcome the rejections under §112 described below. Applicant acknowledges the allowance of these claims and respectfully defers acceptance of these claims in light of the following remarks.

Claim 17 is objected to because the Examiner states that the term “an substantially” should be “a substantially.” Applicant has amended claim 17 in accordance with the Examiner’s suggested amendment.

Claim 16 is objected to under 35 U.S.C. §112, second paragraph, as being indefinite because the Examiner states that the phrase “the at least one shaving device” in line 4 lack a sufficient antecedent basis. Applicant has amended claim 16 to depend from claim 13. Claim 13 introduces the term “at least one shaving device.” Applicant therefore submits that this phrase in claim 16 has proper antecedent basis and respectfully requests that the rejection of claim 16 be withdrawn.

Claims 1-12 and 27-28 are rejected under 35 U.S.C. §112(b) as being anticipated by U.S. Patent No. 3,073,468 to Arneson. Applicant disagrees with and traverses this rejection for the following reasons.

Arneson discloses a tamper-proof cap that includes an inner cap 16 and an outer cap 26 that rotate relative to each other. A window 44 on the outer cap moves from a green section 40 to a red section 42 to indicate that tampering has occurred.

In contrast, amended claim 1 recites, among other things, a locking device including “at least one first segment being realized as at least one inner cap,” “at least one second segment being realized as at least one outer cap and situated so as to be capable of being moved relative to the first segment, the outer cap having at least one transparent portion that is situated so that at least a portion of the inner cap is visible through it” where “a movement required to open or close the locking device immediately moves the position of the at least one first segment relative to the at least one second segment at least temporarily from the first position to the second position, wherein the inner cap has at least one indicator area that is permanently modified in at least one physically perceivable property, the permanent modification of the at least one physically perceivable property being affected by the movement to open or close the locking device.” Arneson fails to disclose such subject matter.

In Arneson, the green sector 40 is initially visible through the window 44 to indicate that the cap has not been turned or tampered with. When a person rotates the

cap, the caps 38 and 36 ride over tab 32, which puts the window 44 over the red sector 42 to indicate that the cap has been rotated and opened. In this position, there is a connection between tabs 34 and 38 and tabs 32 and 36 to permanently position the window 44 over the red sector 42 (Col. 2, lines 35-43). However, as shown in Fig. 2, tabs 32 and 34 are small tabs that project from the top surface of the inner cap 16. With enough rotational force, the outer cap 24 could be rotated in a clockwise direction to break one or both of the tabs 32 and 34 and return the window 44 over the green sector 30 to falsely indicate that the cap has not been moved or tampered with.

In contrast, in the claimed invention, the second segment or outer cap is moved relative to the first segment or inner cap such that the “at least one indicated area [of the inner cap] is permanently modified in at least one physically perceivable property.” Thus, the permanent modification of the physical property of the indicated area prevents the locking device from being re-used and also prevents a person from moving or rotating the outer cap back to its initial position to falsely indicate that the cap has been moved or tampered with. Arneson does not disclose or suggest that either of the indicator areas, sector 40 and sector 42, are permanently modified or that any physical property of the sectors 40 and 42 are permanently modified so that the closure cap disclosed by Arneson can be re-used or manipulated to falsely indicate that the cap has not been tampered with.

Accordingly, Applicant submits that amended claim 1, and the claims that depend therefrom, are each patentably distinguished over Arneson and in condition for allowance.

Claims 1-5, 12 and 22-23 are rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 2,201,791 to Samburg. Applicant disagrees with and traverses this rejection for the following reasons.

Samburg discloses a cap 18 and a band 20. The cap and band rotate relative to the neck of the container when the cap is being removed to reveal a legend or message such as “bottle used” to indicate that the cap has been turned and/or opened. Samburg states that “[u]pon the attainment, by the corrugated ring spring of this position, it is impossible to depress the band 20 or the sleeve 22 by any manipulation thereof or by any attempt at the replacement of the cap 18” (Page 3, Col. 1, lines 14-18). However, a user could damage or break the spring in such a way as to be able to replace the cap 18 and cause the band 20 to cover the indicator section 12 again. This is possible because the indicator section 12 that states “bottle used” is not modified or changed in any way to prevent its re-use.

In contrast, as stated above, amended claim 1 recites that the indicator area on the inner cap “is permanently modified in at least one physically perceivable property” such that it is impossible to re-use or manipulate the inner and outer caps to falsely indicate that the container has not been opened because the user would still be able to

know that it has been tampered with since the modification to the indicator area is visible by the user.

For at least these reasons, Applicant submits that amended claim 1 and the claims that depend therefrom, are each patentably distinguished over Samburg and in condition for allowance.

Accordingly, Applicant respectfully submits that in view of the above-identified remarks, the claims in their present form are patentably distinct over the art of record. Allowance of the rejected claims is respectfully requested. Should the Examiner discover there are remaining issues which may be resolved by a telephone interview, the Examiner is invited to contact Applicant's undersigned attorney at the telephone number listed below.

Respectfully submitted,

GREER, BURNS & CRAIN, LTD.

By /Christopher S. Hermanson/
Christopher S. Hermanson
Reg. No. 48,244
Attorney for Applicant

March 22, 2010
300 S. Wacker Drive - Suite 2500
Chicago, Illinois 60606
Tel.: (312) 360-0080
Fax: (312) 360-9315
Customer No.: 24978